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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,160	05/02/2007	Jerome L. Kurz	05053-PA-PCT (0197.0003)	4046
32566	7590	06/13/2008	EXAMINER	
PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134			THOMPSON, JEWEL VERGIE	
			ART UNIT	PAPER NUMBER
			2855	
			MAIL DATE	DELIVERY MODE
			06/13/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,160	<b>Applicant(s)</b> KURZ, JEROME L.	
	<b>Examiner</b> Jewel V. Thompson	<b>Art Unit</b> 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,8,10 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 2,4,6,7,9 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,5,8,10,16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Delajoud (6,732,596).

**Regarding claims 1 and 16**, Delajoud teaches a fluid flow meter conditioning body, for placement in-line of a fluid conveying conduit comprising an elongated inlet flow section (col. 6, lines 26-27), an elongated flow measurement section for containing a velocity sensor (col. 7, lines 54-64), and a flow nozzle (38) intermediate the inlet flow section and the flow measurement section for flattening the velocity profile of the fluid (fig. 1A), wherein the inlet flow section, the flow nozzle and the flow measurement section are arranged along a longitudinal axis (1A), the inlet flow section, the flow nozzle and the flow measurement section communicate for fluid flow in a direction from the inlet flow section toward the flow measurement section (1A), and a cross section of the inlet flow section, perpendicular to the central longitudinal axis, is greater than a comparable cross section of the flow measurement section (1A).

**Regarding claim 3**, Delajoud teaches the the nozzle has a beta of between about 0.3 and 0.7 (fig. 1A).

**Regarding claim 5**, Delajoud teaches the flow nozzle has a transition between

the inlet and the outlet having a profile, in a plane containing the central longitudinal axis, which is arc shaped, elliptically shaped, or bell-shaped (fig. 1D).

**Regarding claim 8**, Delajoud teaches the flow measurement section includes a sensor assembly for supporting the velocity sensor (Fig. 1F and 1G).

**Regarding claim 10**, Delajoud teaches a central longitudinal axis of an inlet of the nozzle is displaced from a central longitudinal axis of an outlet of the nozzle, so as to form an eccentric nozzle (Fig. 1D).

**Regarding claim 17**, Delajoud teaches the apparatus comprises a fluid flow meter conditioning body (36).

**Regarding claim 18**, Delajoud teaches the fluid flow meter conditioning body has an inlet section connected to an adjacent conduit, further comprising the step of matching the inside diameter of the conduit to the inside diameter of the inlet section (Fig. 1A).

**Regarding claim 19**, Delajoud teaches the fluid flow meter conditioning body is connected to an adjacent conduit, and wherein the fluid flow meter conditioning body has a flow measurement section, further comprising the step of matching the inside diameter of the conduit to the diameter of the flow measurement section (1A).

***Allowable Subject Matter***

2. Claims 2,4,6,7, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 12-15 are allowed.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,127,173     Thurston et al teaches a volumetric fluid flowmeter

6,612,187     Lund teaches a gas mass fraction.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jewel V. Thompson whose telephone number is 571-272-2189. The examiner can normally be reached on 7-4:30, telework on Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2855

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jewel V Thompson/  
Primary Examiner, Art Unit 2855  
June 10, 20083